

Chairman Darrell Sanderson called the meeting to order.  
Recording Secretary Dianna Rogers called the roll.

Members Present: David Garnett  
Annie Metcalf  
Bob Mason  
Joe Sanderson  
Joel Schrader  
Keith Lee  
Patti Cross  
Charles Booe  
Dwayne Cook (9)

Members Absent: Sherron Jackson  
Darrell Sanderson (2)

There being a quorum, the meeting proceeded.

The first item of business was approval of the minutes of the meeting of April 13, 2006. A motion was made by Mr. Garnett to defer approval of the minutes until the next meeting as they had just received them for review. The motion was seconded by Mr. Schrader and carried unanimously.

The next item of business was approval of the payment of bills, including addendums. A motion was made by Joe Sanderson to approve the following bills for payment:

Edwin Logan – PC/BZA Legal Fee for May	\$ 900.00
Dawn McDonald – Secretarial PC/4/13/06	375.00
KAPA – Registration for training/C. Booe	110.00

The motion was seconded by Bob Mason and carried unanimously.

There were no Reports of Officer, Standing Committees, Special Select Committees or Special Orders.

Under Staff Items, Vickie Sewell, County Planning Director, stated she had received a letter from the Conservation Office regarding Agricultural District. She stated they have to be recertified every five years. She passed out the letter and information and requested Commission members review and get any comments back to her by May 16. Ms. Sewell also stated that items 2, 3 & 4 of New Business were off the agenda (Bobby Green-modification of standards for sidewalks for extension of Greenway Blvd from existing pavement to Chenault Rd; C. Michael Davenport – Zone Map Amendment from RR to PM for 19 acres on the east side of Cardwell Lane and I-64; Commercial Investments, LLC – Zone Map Amendment from RR to PM at 1904 Louisville Rd).

The first item of old business was a continuation of a public hearing from the Virginia McCoy Patrick Revocable Trust, as owner and Countrytyme Land Specialists, as optionee, are requesting approval, in accordance with the Frankfort and Franklin County Subdivision and Development Plan Regulations to develop property located adjacent to the Hunter's Trace Subdivision and indicated as being Parcel #035-00-00-024.00 utilizing the Rural Design Guidelines instead of the Suburban Design Guidelines, as indicated on the map of the Subdivision and Development Plan Regulations.

A motion was made by Mr. Mason to take the item from the table. The motion was seconded by Mr. Booe. Ms. Metcalf recused herself from this item as she was not present at the last public hearing. The motion carried unanimously.

Mr. Lee made a motion to approve the request with a variable that they want a minimum of two acre lots as opposed to the average of two acre lots as recommended in the staff report. The motion was seconded by David Garnett. Those voting in favor: Mr. Garnett, Mr. Mason, Mr. Lee, Mr. Booe. Those voting against: Joe Sanderson, Mr. Schrader, Ms. Cross. Vice-Chairman Cook did not vote. The motion carried 4-3.

The final item of business was a request, in accordance with Article 8, Section 8.403 Hinton/McGraw Builders and Developers for approval of a Preliminary Plat, Development Plan and Landscape Plan for the construction of 115 residential patio homes, known as The Villas at Berry Hill, on the 45.84 acre property located at 1007 Leawood Drive, more specifically described as PVA Map #062.00.00.015.00.

Mr. Booe stated he wrote a letter to the developer on drainage issues and asked if he should participate. Mr. Edwin Logan stated only if he felt he was predisposed. Mr. Booe stated he did not feel there was a conflict.

Mr. Charlie Jones, Attorney, was present for the applicant. He stated they had been through the Technical Review Team (TRT). He stated they had done the requested modifications and met all the agency comments per page two of the staff report. Mr. Jones stated on page 5 of the staff report, 5.06 A. they had tried to conserve natural resources and they have moved the development back from the slope several hundred feet. He added the 1986 development plan showed significant impact to the area. Mr. Jones stated they will have one story home. He stated Dr. Broderson's home was two story and if you could not see his from the road you would not see these. Mr. Jones stated the Woodland Survey was done by Bennie Maffett. Mr. Jones stated they have met the traffic study done and it was reviewed by the Planning Commission's Engineer. He added they have met his comments and the comments of the Public Works Department. Mr. Jones stated they are providing a pedestrian trail to the park. He added they have met the drainage calculations and they were reviewed by HMB on behalf of the City. He stated they meet or exceed the requirements. Mr. Jones stated there was a

large area of green space in the center of the property. Mr. Jones stated this property is somewhat isolated and it won't have much impact on adjacent properties with its design. He stated it is planned to be an upper end development. Mr. Jones stated they were in agreement with conditions 1, 3 and 6. He stated they had problems or needed more info on conditions 2, 4 and 5. He stated regarding condition two that construction traffic would tear up the top coat. He added they would post a bond for the roads. He stated they would be willing to dedicate the roads now and they would get the bond as required and keep it in place to ensure what they are trying to achieve. Mr. Jones stated on reviewing the condo documents they would want to know staff's scope of the review and acceptance. Mr. Jones stated he also needed more info on condition 5 dealing with issuance of building permits limited to the identified phase development.

Mr. Sanderson asked who dedicated road access to Browns Ferry Mr. Jones stated the applicant. Mr. Sanderson asked why not do it in one phase. Mr. Jones stated that issue came up and they wanted to begin to sell units and you would have to have all sidewalks and streets in before you get a certificate of occupancy (co). He stated they may do all the roads now rather than have a bond for two years. Mr. Booe asked about the sink hole on the property and was concerned if it was dangerous. Mr. Jones stated they can't build within fifty feet of the rim and stated there is no open throat to the sink hole. He added they have no mitigation plans for it. Mr. Lee asked how many phases there would be. Mr. Jones stated two and the were delineated on the plan.

The following were present to speak in opposition to the request:

Rodney Whitaker, 751 Browns Ferry Road, stated he represented the Browns Ferry Neighborhood Group. He submitted minutes from 1986 and 2006 from previous hearings. He also submitted newspaper clippings from 1986 referring to estimated traffic generation of 2000 trips per day. He stated the article also referred in 1986 to the city manager saying they would prefer to leave Browns Ferry Road undisturbed because in the future they would have to widen it at great public expense. Dr. Whitaker stated there is a 10' drop off on one side of the road and a 6' drop off on another. He added the road is narrow and they don't want to have a connection to Browns Ferry Road. Mr. Jones stated the narrowest point of the road is 13' and he added there is a section that will be widened to 21' as outlined by the Public Works Department. Dr. Whitaker added there is a bad curve with bad visibility. He stated it would have to be widened at great expense and some might lose some of their yards.

Natalie Wilkerson, 337 St. Clair, stated she represented the Division of Historic Properties. She stated they have a National Register Historic Office next to the property and they are concerned about construction noise. She stated they want a schedule. She stated they hold outdoor weddings there eight months out of the year. She stated there will be blasting and they are concerned about cracks and window breakage. She stated they are also concerned about the view shed from Berry Hill Mansion. She stated erosion of the hill adjacent to Louisville Road was also a concern. Mr. Jones stated they run standard work weeks Monday through Friday. He stated they have no intention of working evenings and they could give them a work schedule. He added they have

intention of blasting but there could be some limited blasting as they haven't checked the entire property. He stated the view shed would be maintained well past where the mansion sits. He stated trees are the view shed.

The City Planning Staff gave their staff report. Mr. Gary Muller, City Planning Director, was present and stated there were no corrections or deletions to the staff report. He stated they have met TRT comments and staff recommended approval. Mr. Muller stated the applicant was asking for credit on the landscape plan for the stone wall and added it is identified on the plan. Mr. Muller stated staff agreed. Mr. Muller stated regarding condition 4 dealing with condo documents they want to review the scope in accordance with the Subdivision Regulations to see that the improvements are maintained. He stated they want to review that there is a mechanism for funds for maintenance and there is a Homeowner's Association.

Mr. Muller stated condition 5 dealing with the issuance of building permits limited to identified phase development was put in because it was a proposed phase development. Mr. Booe was concerned that the sinkhole might open up. He asked if a fence would go around it. Mr. Muller stated no and that the sinkhole was in Phase 2. Mr. Lee stated big trucks would make big ruts and they always waited for the top coat at the end. Mr. Muller stated it is in the code and even if it were not a condition tonight it will happen. Mr. Muller stated conditions 1, 2 and 6 were from the code. He stated condition 3 was there as a condition because of the traffic engineer and Public Works. He stated condition 5 should stay because the code is not specific enough.

Mr. Sanderson and Mr. Mason were concerned about the impact to Browns Ferry Road. Mr. Jones stated Bob Tillett, Public Works Department, had walked the property with them and told them where to widen.

The following were present to speak in favor of the request:

Mr. A. B. Long, Village Drive, stated the age of people who want to be there is older, usually one or two living there. He stated it is time for Frankfort to step up and take things like this. He said it would not bother him one way or another to have the Browns Ferry Road connection.

Mr. Tom Knight, 1087 Bittersweet stated Frankfort has been in the dark ages and didn't know why this hadn't been built before. He stated he thought two entrances were required but he would go with one but would like two.

Marcella Mullins, Hickory Ridge Road, stated not baby boomers but a little older have no place for their age group. She stated they need something in between. She added she was a real estate agent and the market is screaming for this type of thing. She stated she did not care how many entrances there were. Mr. Jones stated they have to cut 15 more units if they lose the Browns Ferry Road entrance. Ms. Metcalf stated she felt they needed two entrances/exits for emergency vehicles, especially if this development has one elderly.

Mr. Charles Roberson, 751 Browns Ferry Road, spoke against the request and stated he was not sure about the traffic study and stated Browns Ferry would be used as a cut through. He stated he was concerned about emergency vehicles getting through and coming to Browns Ferry Road for access.

Dr. Whitaker stated the width of the road is 12' and stated he is in favor of this type of development in Frankfort but wants to eliminate the dangerous issues.

A motion was made by Mr. Garnett to approve the request with the following conditions: the road pavement to Browns Ferry Road is increased to a minimum width of 21 feet from the intersection of Leawood Drive to the western most property corner along Browns Ferry Road; and the issuance of building permit will be limited to the identified phased development. The motion was seconded by Mr. Lee. Those voting in favor: Mr. Garnett, Ms. Metcalf, Mr. Mason, Mr. Schrader, Mr Lee, Ms. Crossk Mr. Booe. Voting against the motion: Joe Sanderson. The motion carried.

A motion was made by Joe Sanderson to adjourn. The motion was seconded by Mr. Mason and carried unanimously.

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Chairman

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Recording Secretary